

## Session 119 - (2011-2012)

### H 4738 General Bill, By Govan and Hearn

**Summary:** Divorce; alimony

A BILL TO AMEND SECTION 20-3-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY IN DIVORCE AND SEPARATE MAINTENANCE AND SUPPORT ACTIONS, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON "COHABITATION", RATHER THAN ON "CONTINUED COHABITATION" OF THE SUPPORTED SPOUSE; TO DEFINE "COHABITATION" AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; TO AMEND SECTION 20-3-150, AS AMENDED, RELATING TO ALLOCATING ALIMONY TO THE SUPPORTED SPOUSE AND CHILD SUPPORT TO THE CHILDREN SUCH THAT ONLY ALIMONY IS TERMINATED UPON REMARRIAGE OR CONTINUED COHABITATION OF THE SUPPORTED SPOUSE, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON "COHABITATION", RATHER THAN ON "CONTINUED COHABITATION" OF THE SUPPORTED SPOUSE; TO DEFINE "COHABITATION" AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; AND TO AMEND SECTION 20-3-170, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE THAT UPON THE MOTION OF A PARTY TO A JUDGMENT OF DIVORCE, THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE RETIREMENT OF THE SUPPORTING SPOUSE CONSTITUTES A CHANGE OF CIRCUMSTANCES FOR THE PURPOSE OF ALIMONY PAYMENTS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER IN MAKING THIS DETERMINATION.

<b>02/07/12</b>	<b>House</b>	<b>Introduced and read first time (House Journal-page 16)</b>
<b>02/07/12</b>	<b>House</b>	<b>Referred to Committee on Judiciary (House Journal-page 16)</b>
<b>03/28/12</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary (House Journal-page 38)</b>
<b>04/19/12</b>	<b>House</b>	<b>Amended (House Journal-page 55)</b>
<b>04/19/12</b>	<b>House</b>	<b>Read second time (House Journal-page 55)</b>
<b>04/19/12</b>	<b>House</b>	<b>Roll call Yeas-99 Nays-0 (House Journal-page 59)</b>
<b>04/19/12</b>	<b>House</b>	<b>Unanimous consent for third reading on next legislative day (House Journal-page 60)</b>
<b>04/20/12</b>	<b>House</b>	<b>Read third time and sent to Senate (House Journal-page 3)</b>
<b>04/24/12</b>	<b>Senate</b>	<b>Introduced and read first time (Senate Journal-page 11)</b>
<b>04/24/12</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary (Senate Journal-page 11)</b>
<b>04/27/12</b>	<b>Senate</b>	<b>Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell</b>
<b>05/31/12</b>	<b>Senate</b>	<b>Polled out of committee Judiciary (Senate Journal-page 10)</b>
<b>05/31/12</b>	<b>Senate</b>	<b>Committee report: Favorable Judiciary (Senate Journal-page 10)</b>
<b>06/05/12</b>	<b>Senate</b>	<b>Amended (Senate Journal-page 66)</b>
<b>06/05/12</b>	<b>Senate</b>	<b>Read second time (Senate Journal-page 66)</b>
<b>06/05/12</b>	<b>Senate</b>	<b>Roll call Ayes-40 Nays-0 (Senate Journal-page 66)</b>
<b>06/06/12</b>		<b>Scrivener's error corrected</b>
<b>06/06/12</b>	<b>Senate</b>	<b>Read third time and returned to House with amendments (Senate Journal-page 8)</b>
<b>06/07/12</b>	<b>House</b>	<b>Concurred in Senate amendment and enrolled</b>
<b>06/07/12</b>	<b>House</b>	<b>Roll call Yeas-89 Nays-0</b>